

TEMPORARY

No. 71233-T

TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 18 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUN 03 2004

The applicant **Homestake Mining Company, Ruby Hill Mine**, hereby make application for permission to change the **point of diversion of a portion** of water heretofore appropriated under **permit 62028**

1. The source of water is **underground source**
2. The amount of water to be changed **0.3 c.f.s, not to exceed 200 acre-feet/year**
3. The water to be used for **mining, milling, & domestic**
4. The water heretofore permitted for **mining, milling, & domestic**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R 53E MDB&M at a point from which the S $\frac{1}{4}$ corner of said Section 10 bears S. 75 degrees 21' West a distance of 2,253 feet**
6. The existing permitted point of diversion is located within **Lot 4 (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) Section 32, T 20N, R 53E, MDB&M at a point from which the NW corner of said Section 32 bears N. 57 degrees 28' W. a distance of 560 feet.**
7. Proposed place of use **Unchanged from item 7, permit 62028 - Within the W $\frac{1}{2}$ section 2, section 3, E $\frac{1}{2}$ section 4, NE $\frac{1}{4}$ section 9, section 10, W $\frac{1}{2}$ section 11, NW $\frac{1}{4}$ section 14, and the N $\frac{1}{2}$ section 15, all within T 19N, R53E, MDB&M.**
8. Existing place of use **Unchanged from item 7, permit 62028 - Within the W $\frac{1}{2}$ section 2, section 3, E $\frac{1}{2}$ section 4, NE $\frac{1}{4}$ section 9, section 10, W $\frac{1}{2}$ section 11, NW $\frac{1}{4}$ section 14, and the N $\frac{1}{2}$ section 15, all within T 19N, R53E, MDB&M.**
9. Use will be **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Well pump and motor, pipeline to place of use as described in items 7 & 8 above**
12. Estimated cost of works **\$100,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: Place and method of use are unchanged from existing permit 62028. New point of diversion as described above is closer to point of use thereby reducing electrical/utility needs, and its use will also serve to generate water level drawdown data in the immediate mine vicinity to assist in planning/modeling and potential permitting of a proposed mine expansion. The proposed new point of diversion is also a greater distance from the heavily used Diamond Valley agricultural/domestic wells

By Stephen J. Brower
s/ Stephen J. Brower
Ruby Hill Mine, P.O. Box 676
Eureka, NV 89316

Compared ag/cmf _____ ag/cmf
Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 62028 is issued subject to the terms and conditions imposed in said Permit 62028 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 62027, 62028 and Temporary Permit 71233-T shall not exceed 484 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

In the event it becomes necessary to dewater the pit, additional approvals will be required by the State Engineer prior to any dewatering.

(CONTINUED ON PAGE 3)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **June 21, 2005** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.3 cubic feet per second, **but not to exceed 200 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

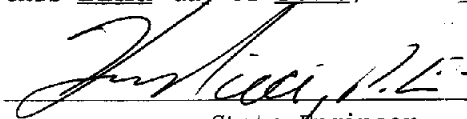
TEMPORARY

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 22nd day of June, A.D. 2004


State Engineer

EXPIRED
DATE JUN 21 2005